

May 23, 2017

PIN 17-05-ASC

TO: ALL ADULT AND SENIOR CARE PROGRAM LICENSEES

FROM: *Original signed by Pamela Dickfoss*
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Community Care Licensing Division

SUBJECT: **SERVICE AND ASSISTANCE ANIMALS**

Provider Information Notice (PIN) Summary

PIN 17-05-ASC provides information regarding service and assistance animals in licensed adult community care facilities and Residential Care Facilities for the Elderly.

There are no regulations or statutes that the Community Care Licensing Division enforces which specifically address a service or assistance animal. Nevertheless, Community Care Licensing laws and regulations on the health and safety as well as the care and supervision of the clients apply when a service or assistance animal is present in a facility. The following table provides regulations that may be applicable when a service or assistance animal is present in a facility:

Applicable Title 22, California Code of Regulations	
Requirement	Regulation Section
A client cannot reside in or receive services from a facility that cannot meet the needs of the client as outlined in the client's needs and services plan or the client's medical assessment.	80062.8 85068.2 82068.2
<i>Example:</i> Service or assistance animals may not be allowed if the care of a client is negatively impacted (e.g. the client has a fear of animals, allergies to animals, or a history of animal cruelty).	
The licensee must submit an incident report when a client has been bitten, scratched, or any other incident as outlined in reporting requirements.	80061 82061 87211

Applicable Title 22, California Code of Regulations, Continued	
Requirement	Regulation Section
The physical environment must meet the standards outlined in regulations including ensuring that the physical environment is clean, safe and sanitary. Example: All animal droppings are properly disposed of and animals are vaccinated and cared for according to law.	80087(a) 82087 87303
The licensee must provide care and supervision as necessary to meet the client's needs. Example: The licensee does not divert staff attention away from clients in order to care for the animal.	80001(c)(3) 80065 80078 82001(c)(3) 82065 82078 87411
Each client shall have personal rights, including the right to safe, healthful and comfortable accommodations.	80072(a)(2) 82072(a)(2) 87468

Licensed adult community care facilities and Residential Care Facilities for the Elderly should also be aware of their obligations under federal and state disability laws including Title III of the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA). Certain entities are subject to both the service animal requirements of the ADA and the reasonable accommodation provisions of the FHA. It is the responsibility of the licensee to determine his or her legal obligations under the ADA, FHA and other applicable laws. A licensee may want to consult an attorney for advice on these requirements.

ADA

The ADA requires State and local government agencies, businesses, and non-profit organizations that provide goods or services to the public to make "reasonable modifications" in their policies, practices, or procedures when necessary to accommodate people with disabilities.

For information and technical assistance about the ADA contact the ADA Information Line at 800-514-0301 / 800-514-0383 (TTY).

FHA

The Fair Housing Act applies to several forms of housing whether for sale or rent. Exceptions include buildings with four or fewer units where the landlord lives in one of the units and private owners who do not own more than three single family houses, do not use real estate brokers or agents and do not use discriminatory advertisements. Discrimination under the FHA includes a refusal to make reasonable accommodations

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in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.

For information and technical assistance on the FHA contact the U.S Department of Housing and Urban Development Office at 800-347-3739 / 800-927-9275 (TDD).

If you have any questions regarding this PIN, please contact your local Regional Office.